IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9315 of 1999

Dated: July 12, 2006

Between:

Dalavai Sivamma, W/o. D. Chalamaiah (late)
Hindu, aged 65 years, C/o. Tulisetty Mandaiah,
R/o. Near Railway Station, Balajiraopet,
Tenali.

… Petitioner

And

The Commissioner, Printing and Stationery
and stores, Purchase (Printing Wing) Department,
Guntur and press opposite to Chenchelguda Jail,
Hyderabad, and two others.

… Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents in not releasing the family pension to the petitioner after the death of her husband as illegal and arbitrary.

2. The case of the petitioner is that her husband Sri D. Chalamaiah

who was working in the first respondent department as an Imposer at Chenchalguda, had voluntarily retired in the year 1985 and was receiving his pension vide Pass Book No.18 NGC/002727. It is stated that petitioner's husband died in April, 1998, leaving behind the petitioner. The grievance of the petitioner is that pursuant to the death of her husband, though she had been requesting the respondent authorities for payment of family pension to her, no action whatsoever has been taken.

3. None appears for the petitioner nor there is any representation.

4. Counter affidavit has been filed by the first respondent stating that the petitioner, instead of making an application to the competent authority, directly applied to the Accountant General of Andhra Pradesh. It is stated that as necessary certificates were not enclosed, the papers relating to the family pension were not processed. It is further stated that subsequent to filing of the writ petition, relevant papers were collected and the department has sent proposals to the Account General, who is the sanctioning authority for grant of family pension.

5. As much as it is stated that proposals were already sent for grant of family pension to the petitioner, I dispose of the writ petition with the following directions. -

If no action has been taken pursuant to the proposals sent by the first respondent with regard to the family pension payable to the petitioner, appropriate decision shall be taken in the matter and communicated to the petitioner within a period of three months from the date of receipt of this order.

6. The writ petition is disposed of with the foregoing directions. No

order as to costs.

JUSTICE R. SUBHASH REDDY.

July 12, 2006
MRR